

Senate File 337 - Introduced

SENATE FILE 337
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1130)

A BILL FOR

1 An Act providing for the licensing of polysomnographic
2 technologists and exceptions thereto, making penalties
3 applicable, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.24, subsection 2, paragraph a, Code
2 2015, is amended to read as follows:

3 a. Procedures for registration of health care providers
4 deemed qualified by the board of medicine, the board of
5 physician assistants, the dental board, the board of nursing,
6 the board of chiropractic, the board of psychology, the board
7 of social work, the board of behavioral science, the board
8 of pharmacy, the board of optometry, the board of podiatry,
9 the board of physical and occupational therapy, the board of
10 respiratory care and polysomnography, and the Iowa department
11 of public health, as applicable.

12 Sec. 2. Section 147.1, subsections 3 and 6, Code 2015, are
13 amended to read as follows:

14 3. "*Licensed*" or "*certified*", when applied to a physician
15 and surgeon, podiatric physician, osteopathic physician and
16 surgeon, physician assistant, psychologist, chiropractor,
17 nurse, dentist, dental hygienist, dental assistant,
18 optometrist, speech pathologist, audiologist, pharmacist,
19 physical therapist, physical therapist assistant, occupational
20 therapist, occupational therapy assistant, orthotist,
21 prosthetist, pedorthist, respiratory care practitioner,
22 practitioner of cosmetology arts and sciences, practitioner
23 of barbering, funeral director, dietitian, marital and
24 family therapist, mental health counselor, polysomnographic
25 technologist, social worker, massage therapist, athletic
26 trainer, acupuncturist, nursing home administrator, hearing aid
27 dispenser, or sign language interpreter or transliterator means
28 a person licensed under this subtitle.

29 6. "*Profession*" means medicine and surgery, podiatry,
30 osteopathic medicine and surgery, practice as a physician
31 assistant, psychology, chiropractic, nursing, dentistry,
32 dental hygiene, dental assisting, optometry, speech pathology,
33 audiology, pharmacy, physical therapy, physical therapist
34 assisting, occupational therapy, occupational therapy
35 assisting, respiratory care, cosmetology arts and sciences,

1 barbering, mortuary science, marital and family therapy, mental
2 health counseling, polysomnography, social work, dietetics,
3 massage therapy, athletic training, acupuncture, nursing
4 home administration, hearing aid dispensing, sign language
5 interpreting or transliterating, orthotics, prosthetics, or
6 pedorthics.

7 Sec. 3. Section 147.2, subsection 1, Code 2015, is amended
8 to read as follows:

9 1. A person shall not engage in the practice of medicine
10 and surgery, podiatry, osteopathic medicine and surgery,
11 psychology, chiropractic, physical therapy, physical
12 therapist assisting, nursing, dentistry, dental hygiene,
13 dental assisting, optometry, speech pathology, audiology,
14 occupational therapy, occupational therapy assisting,
15 orthotics, prosthetics, pedorthics, respiratory care,
16 pharmacy, cosmetology arts and sciences, barbering, social
17 work, dietetics, marital and family therapy or mental health
18 counseling, massage therapy, mortuary science, polysomnography,
19 athletic training, acupuncture, nursing home administration,
20 hearing aid dispensing, or sign language interpreting
21 or transliterating, or shall not practice as a physician
22 assistant, unless the person has obtained a license for that
23 purpose from the board for the profession.

24 Sec. 4. Section 147.13, subsection 18, Code 2015, is amended
25 to read as follows:

26 18. For respiratory care and polysomnography, the board of
27 respiratory care and polysomnography.

28 Sec. 5. Section 147.14, subsection 1, paragraph o, Code
29 2015, is amended to read as follows:

30 o. For respiratory care and polysomnography, one licensed
31 physician with training in respiratory care, ~~three~~ two
32 respiratory care practitioners who have practiced respiratory
33 care for a minimum of six years immediately preceding their
34 appointment to the board and who are recommended by the society
35 for respiratory care, one polysomnographic technologist who

1 has practiced polysomnography for a minimum of six years
2 immediately preceding appointment to the board and who
3 is recommended by the Iowa sleep society, and one member
4 not licensed to practice medicine, osteopathic medicine,
5 polysomnography, or respiratory care who shall represent the
6 general public.

7 Sec. 6. Section 147.74, Code 2015, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 23A. A person who is licensed to engage in
10 the practice of polysomnography shall have the right to use the
11 title "polysomnographic technologist" or the letters "P.S.G.T."
12 after the person's name. No other person may use that title
13 or letters or any other words or letters indicating that the
14 person is a polysomnographic technologist.

15 Sec. 7. NEW SECTION. 148G.1 **Definitions.**

16 As used in this chapter, unless the context otherwise
17 requires:

18 1. "*Board*" means the board of respiratory care and
19 polysomnography established in chapter 147.

20 2. "*Direct supervision*" means that the polysomnographic
21 technologist providing supervision must be present where the
22 polysomnographic procedure is being performed and immediately
23 available to furnish assistance and direction throughout the
24 performance of the procedure.

25 3. "*General supervision*" means that the polysomnographic
26 procedure is provided under a physician's or qualified health
27 care professional prescriber's overall direction and control,
28 but the physician's or qualified health care professional
29 prescriber's presence is not required during the performance
30 of the procedure.

31 4. "*Physician*" means a person who is currently licensed in
32 Iowa to practice medicine and surgery or osteopathic medicine
33 and surgery and who is board certified and who is actively
34 involved in the sleep medicine center or laboratory.

35 5. "*Polysomnographic student*" means a person who is

1 enrolled in a program approved by the board and who may
2 provide sleep-related services under the direct supervision
3 of a polysomnographic technologist as a part of the person's
4 educational program.

5 6. "*Polysomnographic technician*" means a person who has
6 graduated from a program approved by the board, but has not
7 yet received an accepted national credential awarded from an
8 examination program approved by the board and who may provide
9 sleep-related services under the direct supervision of a
10 licensed polysomnographic technologist for a period of up to
11 thirty days following graduation while awaiting credentialing
12 examination scheduling and results.

13 7. "*Polysomnographic technologist*" means a person licensed
14 by the board to engage in the practice of polysomnography under
15 the general supervision of a physician or a qualified health
16 care professional prescriber.

17 8. "*Practice of polysomnography*" means as described in
18 section 148G.2.

19 9. "*Qualified health care practitioner*" means an individual
20 who is licensed under section 147.2, and who holds a
21 credential listed on the board of registered polysomnographic
22 technologists list of accepted allied health credentials.

23 10. "*Qualified health care professional prescriber*" means a
24 physician assistant operating under the prescribing authority
25 granted in section 147.107 or an advanced registered nurse
26 practitioner operating under the prescribing authority granted
27 in section 147.107.

28 11. "*Sleep-related services*" means acts performed by
29 polysomnographic technicians, polysomnographic students, and
30 other persons permitted to perform those services under this
31 chapter, in a setting described in this chapter that would be
32 considered the practice of polysomnography if performed by a
33 polysomnographic technologist.

34 **Sec. 8. NEW SECTION. 148G.2 Practice of polysomnography.**
35 The practice of polysomnography consists of but is not

1 limited to the following tasks as performed for the purpose of
2 polysomnography, under the general supervision of a licensed
3 physician or qualified health care professional prescriber:

4 1. Monitoring, recording, and evaluating physiologic
5 data during polysomnographic testing and review during the
6 evaluation of sleep-related disorders, including sleep-related
7 respiratory disturbances, by applying any of the following
8 techniques, equipment, or procedures:

9 a. Noninvasive continuous, bilevel positive airway pressure,
10 or adaptive servo-ventilation titration on spontaneously
11 breathing patients using a mask or oral appliance; provided,
12 that the mask or oral appliance does not extend into the
13 trachea or attach to an artificial airway.

14 b. Supplemental low-flow oxygen therapy of less than six
15 liters per minute, utilizing a nasal cannula or incorporated
16 into a positive airway pressure device during a polysomnogram.

17 c. Capnography during a polysomnogram.

18 d. Cardiopulmonary resuscitation.

19 e. Pulse oximetry.

20 f. Gastroesophageal pH monitoring.

21 g. Esophageal pressure monitoring.

22 h. Sleep stage recording using surface
23 electroencephalography, surface electrooculography, and surface
24 submental electromyography.

25 i. Surface electromyography.

26 j. Electrocardiography.

27 k. Respiratory effort monitoring, including thoracic and
28 abdominal movement.

29 l. Plethysmography blood flow monitoring.

30 m. Snore monitoring.

31 n. Audio and video monitoring.

32 o. Body movement monitoring.

33 p. Nocturnal penile tumescence monitoring.

34 q. Nasal and oral airflow monitoring.

35 r. Body temperature monitoring.

1 2. Monitoring the effects that a mask or oral appliance
2 used to treat sleep disorders has on sleep patterns; provided,
3 however, that the mask or oral appliance shall not extend into
4 the trachea or attach to an artificial airway.

5 3. Observing and monitoring physical signs and symptoms,
6 general behavior, and general physical response to
7 polysomnographic evaluation and determining whether initiation,
8 modification, or discontinuation of a treatment regimen is
9 warranted.

10 4. Analyzing and scoring data collected during the
11 monitoring described in this section for the purpose of
12 assisting a physician in the diagnosis and treatment of sleep
13 and wake disorders that result from developmental defects,
14 the aging process, physical injury, disease, or actual or
15 anticipated somatic dysfunction.

16 5. Implementation of a written or verbal order from a
17 physician or qualified health care professional prescriber to
18 perform polysomnography.

19 6. Education of a patient regarding the treatment regimen
20 that assists the patient in improving the patient's sleep.

21 7. Use of any oral appliance used to treat sleep-disordered
22 breathing while under the care of a licensed polysomnographic
23 technologist during the performance of a sleep study, as
24 directed by a licensed dentist.

25 Sec. 9. NEW SECTION. 148G.3 **Location of services.**

26 The practice of polysomnography shall take place only in a
27 facility that is accredited by a nationally recognized sleep
28 medicine laboratory or center accrediting agency, in a facility
29 operated by a hospital or a hospital licensed under chapter
30 135B, or in a patient's home pursuant to rules adopted by the
31 board; provided, however, that the scoring of data and the
32 education of patients may take place in another setting.

33 Sec. 10. NEW SECTION. 148G.4 **Scope of chapter.**

34 Nothing in this chapter shall be construed to limit or
35 restrict a health care practitioner licensed in this state from

1 engaging in the full scope of practice of the individual's
2 profession.

3 Sec. 11. NEW SECTION. 148G.5 Rulemaking.

4 The board shall adopt rules necessary for the implementation
5 and administration of this chapter and the applicable
6 provisions of chapters 147 and 272C.

7 Sec. 12. NEW SECTION. 148G.6 Licensing requirements.

8 1. Beginning January 1, 2017, a person seeking licensure
9 as a polysomnographic technologist shall apply to the board
10 and pay the fees established by the board for licensure.
11 The application shall show that the applicant is of good
12 moral character and is at least eighteen years of age, and
13 shall include proof that the person has satisfied one of the
14 following educational requirements:

15 a. Graduation from a polysomnographic educational program
16 that is accredited by the committee on accreditation for
17 polysomnographic technologist education or an equivalent
18 program as determined by the board.

19 b. Graduation from a respiratory care educational program
20 that is accredited by the commission on accreditation for
21 respiratory care or by a committee on accreditation for
22 the commission on accreditation of allied health education
23 programs, and any of the following:

24 (1) Completion of the curriculum for a polysomnographic
25 certificate established and accredited by the commission
26 on accreditation of allied health education programs as an
27 extension of the respiratory care program.

28 (2) Obtaining the sleep disorder specialist credential from
29 the national board for respiratory care.

30 (3) Obtaining the registered polysomnographic technologist
31 credential from the board of registered polysomnographic
32 technologists.

33 (4) Completing or obtaining any other certificate or
34 credential program as recognized by the board.

35 c. Graduation from an electroneurodiagnostic technologist

1 educational program that is accredited by the committee
2 on accreditation for education in electroneurodiagnostic
3 technology or by a committee on accreditation for the
4 commission on accreditation of allied health education
5 programs, and completion of the curriculum for a
6 polysomnographic certificate established and accredited by the
7 commission on accreditation of allied health education programs
8 as an extension of the electroneurodiagnostic educational
9 program.

10 2. *a.* Notwithstanding subsection 1, beginning January
11 1, 2017, the board shall issue a license to perform
12 polysomnography to an individual who holds an active license
13 under section 147.2 in a profession other than polysomnography
14 and who is in good standing with the board for that profession
15 upon application to the board demonstrating any of the
16 following:

17 (1) Successful completion of an educational program in
18 polysomnography approved by the board.

19 (2) Successful completion of an examination in
20 polysomnography approved by the board.

21 (3) Verification from the medical director of the
22 individual's current employer or the medical director's
23 designee that the individual has completed on-the-job
24 training in the field of polysomnography as approved by
25 the board, along with written verification from the medical
26 director of the individual's current employer or the medical
27 director's designee that the individual is competent to perform
28 polysomnography.

29 *b.* The board shall not collect a licensing or application
30 fee from a health care practitioner who receives a license
31 pursuant to this subsection.

32 3. Notwithstanding subsection 1, beginning January 1,
33 2017, a person who is working in the field of sleep medicine
34 on January 1, 2017, may apply to the board for a license to
35 perform polysomnography. The board shall issue a license to

1 the person, without examination, provided the application
2 contains verification that the person has completed five
3 hundred hours of paid clinical or nonclinical polysomnographic
4 work experience within the three years prior to submission
5 of the application. The application shall also contain
6 verification from the medical director of the person's current
7 employer or the medical director's designee that the person
8 is competent to perform polysomnography. An active license
9 holder under section 147.2 being issued a license under this
10 subsection is exempt from paying the licensure fee required for
11 a polysomnography license.

12 4. A person who is working in the field of sleep medicine
13 on January 1, 2017, who is not otherwise eligible to obtain
14 a license pursuant to this section shall have until January
15 1, 2018, to achieve a passing score on an examination as
16 designated by the board. The board shall allow the person
17 to attempt the examination and be awarded a license as a
18 polysomnographic technologist by meeting or exceeding the
19 passing point established by the board. After January 1,
20 2018, only persons licensed as polysomnographic technologists
21 pursuant to this chapter, or excepted from the requirements of
22 this chapter may perform sleep-related services.

23 5. The fees assessed by the board shall be sufficient to
24 cover all costs associated with the administration of this
25 chapter.

26 Sec. 13. NEW SECTION. 148G.7 Persons exempt from licensing
27 requirement.

28 1. The following persons may provide sleep-related services
29 without being licensed as a polysomnographic technologist under
30 this chapter:

31 a. A qualified health care practitioner may provide
32 sleep-related services under the direct supervision of a
33 licensed polysomnographic technologist for a period of up to
34 six months while gaining the clinical experience necessary
35 to meet the admission requirements for a polysomnographic

1 credentialing examination. The board may grant a one-time
2 extension of up to six months.

3 *b.* A polysomnographic student may provide sleep-related
4 services under the direct supervision of a polysomnographic
5 technologist as a part of the student's educational program
6 while actively enrolled in a polysomnographic educational
7 program that is accredited by the commission on accreditation
8 of allied health education programs or an equivalent program as
9 determined by the board.

10 2. Before providing any sleep-related services, a
11 polysomnographic technician or polysomnographic student who is
12 obtaining clinical experience shall give notice to the board
13 that the person is working under the direct supervision of a
14 polysomnographic technologist in order to gain the experience
15 to be eligible to sit for a national certification examination.
16 The person shall wear a badge that appropriately identifies the
17 person while providing such services.

18 Sec. 14. NEW SECTION. 148G.8 Licensing sanctions.

19 The board may impose sanctions for violations of this
20 chapter as provided in chapters 147 and 272C.

21 Sec. 15. Section 152B.1, subsection 1, Code 2015, is amended
22 to read as follows:

23 1. "*Board*" means the board of respiratory care and
24 polysomnography created under chapter 147.

25 Sec. 16. Section 272C.1, subsection 6, paragraph z, Code
26 2015, is amended to read as follows:

27 *z.* The board of respiratory care and polysomnography in
28 licensing respiratory care practitioners pursuant to chapter
29 152B and polysomnographic technologists pursuant to chapter
30 148G.

31 Sec. 17. INITIAL APPOINTMENT OF POLYSOMNOGRAPHIC
32 TECHNOLOGIST TO BOARD. For the initial appointment of the
33 polysomnographic member to the board of respiratory care and
34 polysomnography pursuant to section 147.14, as amended in this
35 Act, such appointee must be eligible for licensure pursuant to

1 this Act. The appointment shall be effective upon the first
2 expiration of the term of an existing respiratory care board
3 member which occurs after the effective date of this section
4 of this Act.

5 Sec. 18. EFFECTIVE DATE. The following provision or
6 provisions of this Act take effect January 1, 2017:

7 1. The section of this Act amending section 147.2,
8 subsection 1.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill requires the licensing of polysomnographic
13 technologists beginning January 1, 2017, and makes the
14 provisions of Code chapters 147 and 272C, including penalty
15 and other regulatory provisions, applicable to other health
16 professions applicable to the practice of polysomnography.
17 Code section 147.86 provides that it is a serious misdemeanor
18 to violate a provision of the licensing laws. A serious
19 misdemeanor is punishable by confinement for no more than one
20 year and a fine of at least \$315 but not more than \$1,875. The
21 licensing program is administered and regulated by the board of
22 respiratory care and polysomnography, with one respiratory care
23 practitioner replaced by a polysomnographic technologist.

24 The bill provides that the board may issue a license to
25 a person who has graduated from one of three educational
26 programs approved by the board. If the educational program
27 was in respiratory care, the person must also have received a
28 certification or credential as a sleep disorder specialist,
29 a registered polysomnographic technologist, or other area as
30 designated by the board. The board shall also issue a license
31 to practice polysomnography to any individual licensed under
32 Code section 147.2 as long as the individual shows the board
33 that the individual has completed an educational program
34 or passed an examination approved by the board or receives
35 verification from the medical director of the individual's

1 current employer that the individual has completed on-the-job
2 training and is competent to perform polysomnography. The
3 board shall license a person working in the field of sleep
4 medicine on January 1, 2017, without examination, to perform
5 polysomnography. The applicant must provide evidence that
6 the applicant has completed 500 hours of paid clinical or
7 nonclinical polysomnographic work experience within the
8 three years prior to submission of the application. The
9 application shall also contain verification from the medical
10 director of the person's current employer that the applicant
11 is competent to perform polysomnography. A person currently
12 practicing polysomnography who is not otherwise eligible for
13 licensure under the bill has until January 1, 2018, to pass an
14 examination approved by the board.

15 An active license holder under Code section 147.2 being
16 issued a license under the bill is exempt from paying the
17 licensure fee required for a polysomnography license. The fees
18 assessed by the board shall be sufficient to cover all costs
19 associated with the administration of the bill.

20 A licensed polysomnographic technologist practices under
21 the general supervision of a physician, a physician assistant,
22 or an advanced registered nurse practitioner, providing
23 specifically enumerated services related to sleep disorders. A
24 polysomnographic student enrolled in an approved educational
25 program provides services under the direct supervision of a
26 polysomnographic technologist.